

**REMARKS**

With this Amendment, claims 1, 8, and 9 are amended and new claim 12 is added.

Therefore, claims 1 and 3-12 are all the claims currently pending in this Application.

**Claim Amendments and New Claim 12**

With this Amendment, claims 1, 8, and 9 are amended and claim 12 is added in order more fully to cover various aspects of Applicants' invention as disclosed in the specification. Applicants submit that the claim amendments are fully supported in the originally-filed specification at least at paragraph 0059 and the corresponding figures.

**Claim Rejections**

Claims 1, 3, and 5-9 stand rejected under 35 U.S.C. §1039a) as allegedly unpatentable over Arquilevich (U.S. 2002/0060709) in view of Endo (U.S. 2002/0085057). Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Arquilevich in view of Endo and Yuji (JP 05-330088). Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Arquilevich in view of Endo and Boleda (U.S. 6,331,038). Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Arquilevich in view of Endo and Bruch (U.S. 2002/0151767). Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Yeh (U.S. 2005/0151767) in view of Endo.

Regarding the rejections including Arquilevich, Applicants submit that none of the cited references, either alone or in reasonable combination teach or suggest a position deviation, as recited in claims 1, 8, and 9, measured based on an interval in a sub-scanning direction between loci. Therefore, Applicants submit that claims 1, 8, and 9 are patentable over the cited combinations of references and that claims 3, 5-7, and 10-12 are patentable at least by virtue of

their dependence. Applicants respectfully request that these rejections be reconsidered and withdrawn.

Regarding the rejection of claim 1 over Yeh and Endo, without commenting on the substantive merits of the Examiner's rejection, Applicants note that Yeh was published on July 14, 2005 based on an Application filed on January 8, 2004, which is after the August 29, 2002 and August 29, 2003 filing dates of the priority documents (JP 2002-251882 and JP 2003-304020) of the present Application. Thus, Applicants submit herewith certified English translations of the priority documents to perfect Applicants' claim to foreign priority. Therefore, Applicants notes that Yeh is no longer available as prior art under 35 U.S.C. § 102, and hereby requests that the Examiner reconsider and withdraw the above rejection.

**Conclusion**

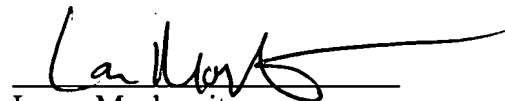
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
U.S. Application No. 10/796,167

**Q79698**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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